

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
May 21, 2015**

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**STUDY SESSION**

***Present:** Chair Rebecca Wayment, Commissioners Heather Barnum, Bret Gallacher, Alex Leeman and Kent Hinckley, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioner Brett Anderson and Community Development Director David Petersen were excused.*

**Item #3. Jared May – Requesting Recommendation for Schematic Plan Approval for the May PUD Subdivision**

Eric Anderson said the applicant is wanting to subdivide his property into 3 lots. The property is .72 acres, and he is currently living in the home on the property. The home is in disrepair, despite the applicant's efforts to preserve it. In order to obtain 3 lots from this size of property in the LR zone, the applicant must apply for a PUD. A PUD includes a 10% open space requirement, but the applicant is proposing to preserve the historic shed located on the property in lieu of the open space. The Commissioners expressed concern with the size of the proposed lots and exchanging the open space for the preservation of the shed. Kent Hinckley does not feel preserving the shed in the backyard of the new homes would add anything to the area; the Commissioners agreed. Eric Anderson and the Commissioners discussed preserving the home and adjusting the lot lines; however, the Commissioners did not feel keeping the home would add anything either. Heather Barnum asked if it is within the Commission's purview to allow for a demolition of a historic home. Eric Anderson explained before a home can be demolished, the application must go through the building permit process. He said part of that process would include discussing the demolition of an historic home with the Historic Preservation Committee and what would be built in the building's place. Alex Leeman again stated he does not feel preserving the shed as a historic structure in lieu of open space and recommending approval of a PUD for 3 small lots is an appropriate exchange.

**Item #4. Tony Henderson - Requesting Recommendation for Conditional Use Permit for a Tennis Court**

Eric Anderson explained the applicant owns his lot and the lot adjacent to it. He is building an addition to his own home that will straddle the adjacent property line, as well as proposing the construction of a tennis court in the adjacent lot. The applicant must seek conditional use approval as the court would encroach into the front setback. He does not see any concerns as long as the applicant's neighbors are comfortable with its approval. Rebecca Wayment asked if the applicant will be combining the lots. Eric Anderson said yes, the applicant is combining the lots. Heather Barnum also pointed out, based on the plans in the staff report, the applicant looks to include landscaping around the court as an aesthetic barrier from the street view.

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**REGULAR SESSION**

***Present:** Chair Rebecca Wayment, Commissioners Heather Barnum, Bret Gallacher, Alex Leeman and Kent Hinckley, Associate City Planner Eric Anderson and Recording Secretary Lara*

*Johnson. Commissioner Brett Anderson and Community Development Director David Petersen were excused.*

**Item #1. Minutes**

Kent Hinckley made a motion to approve the Minutes from the May 7, 2015 Planning Commission meeting. Alex Leeman seconded the motion which was unanimously approved.

**Item #2. City Council Report**

Eric Anderson said there has not been a City Council report since the last Planning Commission meeting so there is nothing to report at this time.

**SUBDIVISION APPLICATION**

**Item #3. Jared May (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the May PUD Subdivision consisting of 3 lots on .72 acres located at 984 North 300 West in an LR-F (Large Residential-Foothill) zone. (S-19-15)**

Eric Anderson explained the applicant is proposing a subdivision that would consist of 3 lots with the largest lot approximately 13,000 s.f. and the smallest lot as 8,860 s.f. Alternative lot sizes for the LR-F zone are 10,000 s.f.; the applicant must apply for a PUD to obtain lots smaller than 10,000 s.f. 10% open space is required as part of a PUD. The applicant is proposing to preserve a portion of the existing home or an outbuilding in lieu of the open space requirement. The applicant is not proposing the PUD Master Plan at this time; however, the schematic plan, including lot sizes and layout, is dependent on PUD approval. Eric Anderson said if the Commission chooses to approve the schematic plan, they can approve it as is, or tie the approval with that of the PUD Master Plan.

Jared May, 984 Compton Rd., said he has looked into preserving the home; however, it is beyond his budget to fully restore the home as it is in disrepair. It would also be difficult to keep the home based on the location of the proposed property lines. He would like to preserve the shed (the outbuilding) in lieu of the open space.

Rebecca Wayment asked the age and condition of the shed. Jared May said his property used to be a plow farm; the shed is the original tack room for the farm horses. He has restored the shed to the exact dimensions and preserved its original state as much as possible.

**Rebecca Wayment opened the Public Hearing at 7:13 p.m.**

Denise Prince, 218 W. 1000 N., explained she recently sold her deceased parents' home which is located a block from this proposed project. She was told that the lot was required to be 20,000 s.f.; however, what is being proposed is well under that requirement. She asked for clarification on the differences in lot sizes. Eric Anderson explained in the LR zone, where this proposed project and her deceased parents' home is located, the minimum lot size is 20,000 s.f. for a conventional subdivision. In this circumstance, the applicant is proposing a Planned Unit Development (PUD) which allows for flexibility in lot sizes; however, its approval is totally discretionary as to whether City Council approves it. Under a conventional subdivision, the 20,000 s.f. lots is a guarantee as a property right, whereas the City Council could deny the PUD if they so choose.

**Scott Prince**, 218 W. 1000 N., asked for further clarification on the lot size requirements within different zones. The Commissioners explained each zone may have a different requirement, as found in the City Ordinance; however, Mr. May is specifically applying for a PUD. A PUD has specific conditions that must be met in return for additional flexibility with things like lot size. A PUD's approval or denial is based on the City Council's decision. **Scott Prince** said he is not in opposition to what is being proposed; he just wanted to better understand how lot sizes were being approved under the zone requirement.

**Rebecca Wayment closed the Public Hearing at 7:22 p.m.**

**Alex Leeman** asked if future property owners would be able to get rid of the shed if it were used in lieu of the 10% open space requirement. **Eric Anderson** said no; open space must be preserved in the PUD and the shed preservation would be similar to the open space. A note may be placed on the plat or something may be recorded against the property to ensure the shed is not removed. He said CC&Rs will also be required as part of the PUD; it can also be included in the CC&Rs that the shed cannot be removed.

The Commissioners expressed concern with the proposed PUD subdivision. **Heather Barnum** feels the lot sizes are not consistent with the surrounding area as the required lot size for the zone is 20,000 s.f. She said homes are being built with a larger footprint; she feels the larger footprint on the smaller lots with the open space requirement waived would make the project feel too dense for the area. **Alex Leeman** said he is not comfortable trading the shed for the 10% open space requirement. He feels the open space requirement for a PUD helps compensate for the density. He also expressed concern that a future homeowner may not want the shed, but they would be required to keep it. **Kent Hinckley** agreed; he feels keeping an historic building should add to the area. He does not feel the historic shed would add anything to the surrounding area. He also feels this PUD does not meet what is intended for a PUD as there is nothing being traded in return for the higher density. **Rebecca Wayment** looked at if the applicant did include 10% open space for the project; however, it would create significantly smaller lots and is not a good solution. **Bret Gallacher** agreed that what is being proposed is not in line with what he feels is the intent of a PUD.

**Jared May** said there are several lots similar in size to what is being proposed in the area. He said he has owned this property for 7 years. Before he bought the property, he talked with the previous City Manager Max Forbush. Max Forbush presented this layout to him. **Jared May** said the size of houses are similar square footage as those in the area. With the proposed setbacks and layout, the homes would be an appropriate distance from each other making the lots feel bigger. He said he has a signed petition by the neighborhood for those that are in favor of this project; many would like to see the demolition of the current home and others are looking for a larger home without the maintenance of a large yard.

**Bret Gallacher** asked if the home was purchased from the applicant's parents. **Jared May** said no, he purchased the home from a family that had had the property in their family for a long time. He has a signed statement from that family stating there is no sentimental value in the home and that they are in support of its demolition. **Bret Gallacher** asked if the applicant bought this property with the understanding that this plan would be approved. **Jared May** said yes. **Alex Leeman** added that this project "could" be approved as there are many more "options" under a PUD subdivision; however, when a deviation from the standard requirements is made, an applicant then enters an area where it is up to Planning Commission and City Council to determine if it's appropriate to approve or deny it.

**Motion:**

Kent Hinckley made a motion that the Planning Commission deny the application for schematic plan approval because the Commission feels it does not meet the intent of the PUD, with the intent being 10% of open space (which would make the lots even smaller than they already are) or the preservation of an historic building (with the shed not filling the intent of preserving an historic building) in exchange for a PUD. Alex Leeman seconded the motion which was unanimously approved.

## **CONDITIONAL USE APPLICATION**

### **Item #4. Brad Miller / Impressive Homes – On behalf of Tony Henderson (Public Hearing) – Applicant is requesting a recommendation for conditional use permit to locate a tennis court in the front yard of a residence at 384 West Primrose Court in an LR-F zone. (C-4-15)**

Eric Anderson showed an aerial view of the applicant's existing home. The applicant is wanting to build a tennis court on the side yard, but the court would encroach on the front setback. The required setback for the zone is 30' so a conditional use permit is required to allow a variance from that setback. Eric Anderson explained that this is not a traditional conditional use that the Planning Commission is accustomed to, but is more of a discretionary item on the Commission's part. Eric Anderson also added that the applicant plans to screen the court from the road.

Tony Henderson, 384 W. Primrose Ct., said he hopes to move the court closer to the front near the road as it would allow for a smaller rock retaining wall. Due to the grade of the property, if the court is pushed back, he would need to build a 10' cement retaining wall. He said the neighbors are in favor of the tennis court in lieu of another home being built.

Rebecca Wayment asked if the applicant has gone through the process of combining his two lots and what will be included in his building addition. Tony Henderson said yes, he has gone through the City and has completed the official boundary change. As for the home addition, Tony Henderson said it will be a master bedroom.

In reference to the landscape plan the applicant provided that was included in the staff report, Heather Barnum asked if it could be included as a condition to the motion to ensure the court has some kind of aesthetic barrier from the street. Eric Anderson said yes, the condition could request the applicant must follow the landscape concept plan provided to staff. Bret Gallacher asked if there will also be a fence around the court. Tony Henderson said yes, it will be a black chain link fence.

Heather Barnum asked what lights will be used on the court. Tony Henderson said he plans to use normal tennis court lights that hang over and shoot the light down. He will not use lights like the City parks; he will ensure it will not shine on other properties. Heather Barnum asked how far away the court will be from the next home. Tony Henderson said the court is 20' from to the next house and there will also be additional landscaping to help create a barrier.

**Rebecca Wayment opened the Public Hearing at 7:46 p.m.**

No comments were received.

**Rebecca Wayment closed the Public Hearing at 7:46 p.m.**

Heather Barnum said she feels as long as the neighbors have had an opportunity to voice opposition and there is a landscape plan included to minimize any aesthetic issues that may occur, she is comfortable moving forward with the motion. The Commissioners agreed.

***Motion:***

**Heather Barnum** made a motion that the Planning Commission approve the conditional use permit for the placement of a sports court within the front setback of property located at 384 West Primrose Court subject to all applicable Farmington City codes and ordinances and with the following conditions:

1. The fence height shall be approved as part of the building permit application;
2. No direct light rays shall be cast beyond the property lines of the subject property;
3. The sports court shall not be constructed any closer to the front property lines than shown on the approved plans;
4. The applicant will adhere to the landscape plan dated April 17, 2015 Henderson Concept plan that is found in the staff report.

**Bret Gallacher** seconded the motion which was unanimously approved.


**Findings for Approval:**

1. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
2. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
3. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing developments.
4. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, etc.

**ADJOURNMENT**

***Motion:***

At 7:50 p.m., **Alex Leeman** made a motion to adjourn the meeting which was unanimously approved.

  
**Rebecca Wayment**  
Chair, Farmington City Planning Commission